

LORD CORPORATION,

Plaintiff,

v.

S&B TECHNICAL PRODUCTS, INC.,
TERRAMIX S.A., and MARK A. WEIH,

Defendants.

On December 15, 2010, defendant Weih filed a motion for partial summary judgment on plaintiff's first claim for relief [D.E. 353]. On January 19, 2011, plaintiff responded in opposition [D.E. 371]. On February 2, 2011, defendant Weih replied [D.E. 409]. On February 28, 2011, the court referred the motion to Magistrate Judge Gates for a memorandum and recommendation. On August 5, 2011, Magistrate Judge Gates issued a Memorandum and Recommendation ("M&R") [D.E. 575]. In that M&R, Judge Gates recommended that defendant's motion be denied. On August 18, 2011, defendant filed objections to the M&R [D.E. 584]. On August 25, 2011, plaintiff responded to defendant's objections [D.E. 599].

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The court has reviewed the M&R, the record, defendant's objections, and plaintiff's response to the objections. As for those portions of the M&R to which defendant made no objection, the court is satisfied that there is no clear error on the face of the record.

The court has reviewed de novo the portions of the M&R to which defendant objected. The court overrules the objections and adopts the conclusions in the M&R [D.E. 575]. Defendant Weih's motion for partial summary judgment on plaintiff's first claim for relief [D.E. 353] is DENIED.

SO ORDERED. This 12 day of September 2011.


JAMES C. DEVER III
United States District Judge